

**REMARKS**

Claims 35-37 are added herein. Claims 1, 3-9 and 19, 20, 22-30 and 32-37 are now pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

**Improper Finality**

The Office Action is improperly indicated as being Final. In the previous response, the Applicants amended claim 1 in response to an objection of claim 1. Claims 3-9 and 19, 20, 22-30 and 32-34 remained unchanged in the previous response, however, the Examiner issued a new rejection for claim 24.

The Applicants made no amendments necessitating a new rejection for claim 24, nor has the Examiner maintained a previous rejection. Therefore, the rejection is improperly indicated as being Final. The Applicants respectfully request the Finality of the rejection be withdrawn.

**Claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30 over Riskin in view of Reilly**

In the Office Action, claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin, U.S. Patent No. 4,757,267 ("Riskin") in view of Reilly et al., U.S. Patent No. 5,740,549 ("Reilly"). The Applicants respectfully traverse the rejection.

Claims 1, 3-4 and 6-9 recite, *inter alia*, a call related information and broadcast information stream relevant to a locality lookup table within a server accessible by a processor and associating call related information entries with respective broadcast information streams relevant to a locality. Claims 19, 20, 22, 23, 25-28 and 30 recite, *inter alia*, downloading a real-time audible representation of a desired one of a plurality of broadcast information streams relevant to a locality to a calling party based only on call related information by a server.

The Office Action alleges that Applicants argued that Reilly fails to disclose a server used in conjunction with a system for downloading one of a plurality of broadcast information (Office Action, page 10).

The Applicants did not argue Reilly fails to only disclose a server ✓ used in conjunction with a system for downloading one of a plurality of broadcast information streams. The Examiner is ignoring an important feature of the claimed invention that was argued, i.e., that the server is used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30.

The Examiner is allegedly arriving at the claimed invention by taking a server from Reilly that only has the capability of providing weather information for display, and combining it with Riskin's system that connects a caller with a nearest dealer based on a caller's telephone number. The combination of Riskin and Reilly still fails to disclose or suggest providing a caller with a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality, much less where such information is stored on a server, as recited by claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30.

Riskin discloses connecting a caller to a dealer based on call related information. The caller is NOT provided with a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality. Although an advertising database is searched, as relied on by the Office Action at Page 3, the result of the search yields a dealer that the caller is directed to, NOT the advertising information itself, as alleged by the Examiner. Riskin fails to disclose or suggest a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality. Adding a server to Riskin does not make up for its deficiencies.

Neither Riskin nor Reilly disclose or suggest a server used in conjunction with a system and method for downloading and associating a real-

time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30.

Accordingly, for at least all the above reasons, claims 1, 3-4, 6-9, 19, 20, 22, 23, 25-28 and 30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 2, 21 and 31-34 over Riskin in view of Reilly and Mitchell**

In the Office Action, claims 2, 21, 31-34 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin in view of Reilly, and further in view of Mitchell et al., U.S. Patent No. 6,108,406 ("Mitchell"). The Applicants respectfully traverse the rejection.

Claims 2, 21 and 31 were previously indicated as being canceled in the response filed July 19, 2003.

Claims 32-34 are dependent on claim 30, and are allowable for at least the same reasons as claim 30.

Claims 30-34 recite, *inter alia*, downloading a real-time audible representation of a desired one of a plurality of broadcast information streams relevant to a locality to a calling party based only on call related information by a server.

As discussed above, neither Riskin nor Reilly, either alone or in combination, disclose, teach or suggest a server used **in conjunction with** a system for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 32-34.

The Office Action relies on Mitchell to allegedly make up for the deficiencies in Riskin and Reilly to arrive at the claimed invention. The Applicants respectfully disagree.

Mitchell appears to disclose a system and method for downloading internet based information to an ADSI phone slot. The files at the accessed site

are downloaded to a server, merged into an ADSI download, and then downloaded to the ADSI caller's telephone by means of a telephone network (Mitchell, col. 2, lines 19-22). The caller on the ADSI telephone selects the information downloaded from the remote site by subscribing to certain types of information such as weather, stock quotes, news, etc. (Mitchell, col. 2, lines 22-25).

Mitchell discloses downloading weather information to a telephone. The weather downloaded is based on a request from a user of the telephone. Mitchell fails to disclose receiving call related information by a server and downloading a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information by the server, as recited by claims 32-34.

Neither Risking, Reilly nor Mitchell, either alone or in combination, disclose, teach or suggest a server used in conjunction with a system for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 32-34.

Accordingly, for at least all the above reasons, claims 32-34 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

#### **Claims 5 and 24 over Riskin in view of Reilly and Kennedy**

In the Office Action, claims 5 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin in view of Reilly, and further in view of Kennedy III et al., U.S. Patent No. 6,301,480 ("Kennedy"). The Applicants respectfully traverse the rejection.

Claims 5 and 24 are dependent on claims 1 and 19, and are allowable for at least the same reasons as claims 1 and 19.

Claim 5 recites, *inter alia*, a call related information and broadcast information stream relevant to a locality lookup table within a server accessible

by a processor and associating call related information entries with respective broadcast information streams relevant to a locality. Claim 24 recites, *inter alia*, downloading a real-time audible representation of a desired one of a plurality of broadcast information streams relevant to a locality to a calling party based only on call related information by a server.

As discussed above, neither Riskin nor Reilly, either alone or in combination, disclose, teach or suggest a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 5 and 24.

The Office Action relies on Kennedy to allegedly make up for the deficiencies in Riskin and Reilly to arrive at the claimed invention. The Applicants respectfully disagree.

Kennedy appears to disclose a communication system that includes mobile units, a network switching center, and service centers to provide a variety of service to the mobile units (Abstract). A voice module 50 is comprised of a automatic call distributor, a private branch exchange, a simple call distributor and other suitable hardware and software to receive and distribute a voice component of a voice/data session to one of a number of voice instruments in a service center (Kennedy, col. 4, lines 11-14). The voice module 50 transfers and directs the call to a selected voice instrument and communicates associated caller ID to an associated workstation (Kennedy, col. 4, lines 60-67).

Kennedy fails to disclose a server that performs services for a caller based on call related information, much less a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims 5 and 24.

Neither Riskin, Reilly nor Kennedy, either alone or in combination, disclose, teach or suggest a server used in conjunction with a system and

method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claims, as recited by claims 5 and 24.

Accordingly, for at least all the above reasons, claims 5 and 24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claim 29 over Riskin in view of Reilly and Fellingham**

In the Office Action, claim 29 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Riskin in view of Reilly, and further in view of Fellingham et al., U.S. Patent No. 6,442,244 ("Fellingham"). The Applicants respectfully traverse the rejection.

Claim 29 is dependent on claim 19, and is allowable for at least the same reasons as claim 19.

Claim 29 recites, *inter alia*, downloading a real-time audible representation of a desired one of a plurality of broadcast information streams relevant to a locality to a calling party based only on call related information by a server.

As discussed above, neither Riskin nor Reilly, either alone or in combination, disclose, teach or suggest a server used **in conjunction with** a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claim 29.

The Office Action relies on Fellingham to allegedly make up for the deficiencies in Riskin to arrive at the claimed invention. The Applicants respectfully disagree.

Fellingham appears to disclose a method and apparatus for selective audio logo and/or announcements in a telecommunications network. A switch, upon receipt of a call, passes information, e.g., the calling party number, to a database (Fellingham, col. 3, lines 35-60). The calling party number is used

to retrieve a particular audible logo and/or one or more announcements (Fellingham, col. 3, line 64-col. 4, line 3). The announcement plays to the calling party while the switch simultaneously sets up the call to the called party (Fellingham, Abstract).

Fellingham discloses retrieving a particular audible logo and/or an announcement based on the calling party number prior to connecting to a called party. Fellingham fails to disclose, teach or suggest downloading current news, much less a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claim 29.

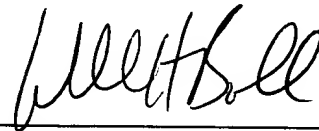
Neither Riskin, Reilly nor Fellingham, either alone or in combination, disclose, teach or suggest a server used in conjunction with a system and method for downloading and associating a real-time audible representation of a desired one of a plurality of broadcast information streams of current news relevant to a locality to a calling party based only on call related information, as recited by claim 29.

Accordingly, for at least all the above reasons, claim 29 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William H. Bollman", written over a horizontal line.

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